

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DANIEL BOURBIA, individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

S.C. JOHNSON & SON, INC.,

Defendant.

Civil Action No. 18-cv-03944  
Hon. Paul A. Crotty

**DECLARATION OF JAMES D. ARDEN IN SUPPORT OF DEFENDANT'S MOTION  
TO DISMISS PLAINTIFF'S PUTATIVE CLASS ACTION COMPLAINT**

James D. Arden, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am counsel to Defendant S.C. Johnson & Son, Inc. in the above-captioned action and a member of the Bar of this court. I make this Declaration in support of Defendant's Motion to Dismiss Plaintiff's Putative Class Action Complaint.

2. Attached hereto as **Exhibit A** is a true and correct copy of the label of Off! FamilyCare Clean Feel Insect Repellent II (the "Product"). The Complaint in this action (at 2) displays the front label in full and the back label in part.

3. Attached hereto as **Exhibit B** is a true and correct copy of the EPA's approval of the label for KBR 3023 (the Product), dated December 1, 2001, available on the EPA website at [https://www3.epa.gov/pesticides/chem\\_search/ppls/003125-00547-20011201.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/003125-00547-20011201.pdf).

4. Attached hereto as **Exhibit C** is a true and correct copy of an EPA Efficacy Study Review of studies conducted on the Product, dated April 17, 2000, available on the EPA website at <https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/070705/070705-2000-04-17a.pdf>.

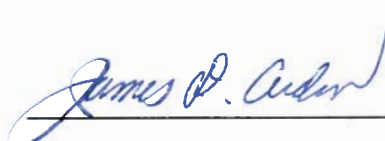
5. Attached hereto as **Exhibit D** is a true and correct copy of an EPA Product Performance Review submitted in connection with a label amendment request for the Product, dated January 25, 2006, available on the EPA website at <https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/070705/070705-2006-01-25a.pdf>.

6. Attached hereto as **Exhibit E** is a true and correct copy of the EPA's approval of an amendment to the Product's label, dated February 18, 2016, available at [https://www3.epa.gov/pesticides/chem\\_search/ppls/004822-00536-20160218.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/004822-00536-20160218.pdf).

Defendant requests that judicial notice be taken of Exhibits B–E because they are official records maintained on the EPA's website, the source of which cannot reasonably be questioned under Fed. R. Evid. 201(b)(2).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2018.

  
James D. Arden